



Senate

General Assembly

File No. 438

February Session, 2016

Substitute Senate Bill No. 323

Senate, April 4, 2016

The Committee on Education reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE AND NEGLECT BY SCHOOL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101i of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2016*):

4 (a) Notwithstanding any provision of the general statutes, not later
5 than five working days after an investigation of a report that a child
6 has been abused or neglected by a school employee, as defined in
7 section 53a-65, or that a person is a victim, as described in subdivision
8 (2) of subsection (a) of section 17a-101a, of a school employee has been
9 completed, the Commissioner of Children and Families shall notify the
10 school employee, the employing superintendent, the employing school
11 or school district and the Commissioner of Education of the results of
12 such investigation and shall provide records, whether or not created
13 by the department, concerning such investigation to the
14 superintendent and the Commissioner of Education. The

15 Commissioner of Children and Families shall provide such notice
16 whether or not the child or victim was a student in the employing
17 school or school district. If the Commissioner of Children and Families,
18 based upon the results of the investigation, has reasonable cause to
19 believe that (1) (A) a child has been abused or neglected, as described
20 in section 46b-120, by such employee, and (B) the commissioner
21 recommends such school employee be placed on the child abuse and
22 neglect registry established pursuant to section 17a-101k, or (2) a
23 person is a victim, as described in subdivision (2) of subsection (a) of
24 section 17a-101a, of such school employee, the superintendent shall
25 suspend such school employee. Such suspension shall be with pay and
26 shall not result in the diminution or termination of benefits to such
27 employee. Not later than seventy-two hours after such suspension the
28 superintendent shall notify the local or regional board of education
29 and the Commissioner of Education, or the commissioner's
30 representative, of the reasons for and conditions of the suspension. The
31 superintendent shall disclose such records to the Commissioner of
32 Education and the local or regional board of education or its attorney
33 for purposes of review of employment status or the status of such
34 employee's certificate, permit or authorization. The suspension of a
35 school employee employed in a position requiring a certificate shall
36 remain in effect until the board of education acts pursuant to the
37 provisions of section 10-151. If the contract of employment of such
38 certified school employee is terminated, or such certified school
39 employee resigns such employment, the superintendent shall notify
40 the Commissioner of Education, or the commissioner's representative,
41 within seventy-two hours after such termination or resignation. Upon
42 receipt of such notice from the superintendent, the Commissioner of
43 Education may commence certification revocation proceedings
44 pursuant to the provisions of subsection (i) of section 10-145b.
45 Notwithstanding the provisions of sections 1-210 and 1-211,
46 information received by the Commissioner of Education, or the
47 commissioner's representative, pursuant to this section shall be
48 confidential subject to regulations adopted by the State Board of
49 Education under section 10-145g. No local or regional board of

50 education shall employ a person whose employment contract is
51 terminated or who resigned from employment following a suspension
52 pursuant to the provisions of this subsection if such person is
53 convicted of a crime involving an act of child abuse or neglect as
54 described in section 46b-120 or a violation of section 53a-70, 53a-70a,
55 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being
56 educated by the technical high school system or a local or regional
57 board of education, other than as part of an adult education program.

58 (b) Not later than five working days after an investigation of a
59 report that a child has been abused or neglected by a staff member of a
60 public or private institution or facility that provides care for children
61 or a private school has been completed, the Commissioner of Children
62 and Families shall notify such staff member's employer at such
63 institution, facility or school, or such employer's designee, of the
64 results of the investigation. If (1) the [Commissioner of Children and
65 Families] commissioner, based upon the results of the investigation,
66 has reasonable cause to believe that a child has been abused or
67 neglected by such staff member, and (2) the commissioner
68 recommends that such staff member be placed on the child abuse and
69 neglect registry established pursuant to section 17a-101k, such
70 institution, facility or school shall suspend such staff person. Such
71 suspension shall be with pay and shall not result in diminution or
72 termination of benefits to such staff person. Such suspension shall
73 remain in effect until the incident of abuse or neglect has been
74 satisfactorily resolved by the employer of the staff person or until an
75 appeal, conducted in accordance with section 17a-101k, has resulted in
76 a finding that such staff person is not responsible for the abuse or
77 neglect or does not pose a risk to the health, safety or well-being of
78 children. If such staff member has a professional license or certificate
79 issued by the state or a permit or authorization issued by the State
80 Board of Education or if such institution, school or facility has a license
81 or approval issued by the state, the commissioner shall forthwith
82 notify the state agency responsible for issuing such license, certificate,
83 permit, approval or authorization to the staff member and provide
84 records, whether or not created by the department, concerning such

85 investigation.

86 (c) (1) If, upon completion of an investigation of a report that a child
87 has been abused or neglected by a school employee, the Commissioner
88 of Children and Families finds that such abuse or neglect is
89 unsubstantiated, the commissioner shall notify the school employee,
90 the employing superintendent, the employing school or school district
91 and the Commissioner of Education of his or her findings. Upon
92 receipt of such notification, the Department of Education, the
93 employing superintendent and the employing school or school district
94 shall remove any references to the report and investigation from the
95 school employee's personnel records and any other records relating to
96 such school employee.

97 (2) A finding by the Commissioner of Children and Families that a
98 report of abuse or neglect is unsubstantiated shall not prohibit the
99 Department of Education or a local or regional board of education
100 from conducting, for purposes relating to professional certification or
101 employment, (A) an investigation of the conduct of a school employee
102 who is a subject of such unsubstantiated report of abuse or neglect, or
103 (B) upon completion of such investigation, from taking action with
104 respect to such school employee's employment, professional
105 certification, authorization or permit, including, but not limited to,
106 actions with respect to discipline, salary, promotion, transfer,
107 demotion, retention or continuance of employment, termination of
108 employment or any right or privilege relating to employment,
109 provided such unsubstantiated report of abuse or neglect shall not be
110 the sole basis for an action related to a school employee's employment,
111 professional certification, authorization or permit.

112 [(c)] (d) If a school employee, as defined in section 53a-65, or any
113 person holding a certificate, permit or authorization issued by the State
114 Board of Education under the provisions of sections 10-144o to 10-149,
115 inclusive, is convicted of a crime involving an act of child abuse or
116 neglect as described in section 46b-120 or a violation of subdivision (2)
117 of subsection (b) of section 17a-101a or section 53-21, 53a-71 or 53a-73a

118 against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or
119 53a-72b against a victim, as described in subdivision (2) of subsection
120 (a) of section 17a-101a, the state's attorney for the judicial district in
121 which the conviction occurred shall in writing notify the
122 superintendent of the school district or the supervisory agent of the
123 nonpublic school in which the person is employed and the
124 Commissioner of Education of such conviction.

125 ~~[(d)]~~ (e) For the purposes of receiving and making reports, notifying
126 and receiving notification, or investigating, pursuant to the provisions
127 of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a
128 superintendent of a school district or a supervisory agent of a
129 nonpublic school may assign a designee to act on such
130 superintendent's or agent's behalf.

131 ~~[(e)]~~ (f) On or before February 1, 2016, each local and regional board
132 of education shall adopt a written policy, in accordance with the
133 provisions of subsection (d) of section 17a-101, regarding the reporting
134 by school employees, as defined in section 53a-65, of suspected child
135 abuse or neglect in accordance with sections 17a-101a to 17a-101d,
136 inclusive, and 17a-103 or a violation of section 53-70, 53a-70a, 53a-71,
137 53a-72a, 53a-72b or 53a-73a against a victim, as described in
138 subdivision (2) of subsection (a) of section 17a-101i, as amended by this
139 act. Such policy shall be distributed annually to all school employees
140 employed by the local or regional board of education. The local or
141 regional board of education shall document that all such school
142 employees have received such written policy and completed the
143 training and refresher training programs required by subsection (c) of
144 section 17a-101, as amended by this act.

145 ~~[(f)]~~ (g) (1) Each school employee, as defined in section 53a-65, hired
146 by a local or regional board of education on or after July 1, 2011, shall
147 be required to complete the training program developed pursuant to
148 subsection (c) of section 17a-101, as amended by this act. Each such
149 school employee shall complete the refresher training program,
150 developed pursuant to subsection (c) of section 17a-101, as amended

151 by this act, not later than three years after completion of the initial
152 training program, and shall thereafter retake such refresher training
153 course at least once every three years.

154 (2) On or before July 1, 2012, each school employee, as defined in
155 section 53a-65, hired by a local or regional board of education before
156 July 1, 2011, shall complete the refresher training program developed
157 pursuant to subsection (c) of section 17a-101, as amended by this act,
158 and shall thereafter retake such refresher training course at least once
159 every three years.

160 (3) The principal for each school under the jurisdiction of a local or
161 regional board of education shall annually certify to the
162 superintendent for the board of education that each school employee,
163 as defined in section 53a-65, working at such school, is in compliance
164 with the provisions of this subsection. The superintendent shall certify
165 such compliance to the State Board of Education.

166 Sec. 2. Subsection (c) of section 17a-101 of the 2016 supplement to
167 the general statutes is repealed and the following is substituted in lieu
168 thereof (*Effective July 1, 2016*):

169 (c) The Commissioner of Children and Families shall develop an
170 educational training program and refresher training program for the
171 accurate and prompt identification and reporting of child abuse and
172 neglect. Such training program and refresher training program shall be
173 made available to all persons mandated to report child abuse and
174 neglect at various times and locations throughout the state as
175 determined by the Commissioner of Children and Families. Such
176 training program and refresher training program shall be provided in
177 accordance with the provisions of subsection [(f)] (g) of section 17a-
178 101i, as amended by this act, to each school employee, as defined in
179 section 53a-65, within available appropriations.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2016	17a-101i
Sec. 2	July 1, 2016	17a-101(c)

Statement of Legislative Commissioners:

In Section 1(a), after "employing superintendent" added ", the employing school or school district" for consistency, and in Section 1(c)(1), replaced "the Commissioner of Education, the employing superintendent, the employing school or school district and the school employee" with "the school employee, the employing superintendent, the employing school or school district and the Commissioner of Education" for consistency. In Section 1(f) and (g)(1) added "as amended by this act" for accuracy.

ED *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes requirements for: (1) certain notifications by the Department of Children and Families (DCF) and (2) the removal of references to unsubstantiated reports of abuse or neglect in certain records, does not result in a fiscal impact to DCF or to the State Department of Education.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 323*****AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE AND NEGLECT BY SCHOOL EMPLOYEES.*****SUMMARY:**

By law, the Department of Children and Families (DCF) Commissioner must investigate any report that a child has been abused or neglected by a school employee. The bill requires the commissioner to notify the employee, as well as the employing school or school district, of the investigation's results. Current law requires that the employing superintendent and Education Commissioner receive such notice.

Additionally, when the commissioner's investigation finds the report to be unsubstantiated, the bill requires the State Department of Education (SDE), employing superintendent, and employing school or school district to remove any references to the report and investigation from the employee's personnel records and any other records relating to the employee. However, even with an unsubstantiated finding, the bill allows SDE or a local or regional board of education to undertake the following action:

1. investigate the school employee's conduct or
2. investigate the school employee's conduct and, upon the investigation's completion, take action with respect to such employee's employment, professional certification, authorization, or permit, including action with respect to discipline, salary, promotion, transfer, demotion, retention or continuance of employment, or termination of employment or any right or privilege related to employment.

The bill prohibits SDE or a board of education from taking any such action on the employee's employment, professional certification, authorization, or permit if it is solely based upon the unsubstantiated abuse or neglect report.

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2016

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 30 Nay 2 (03/16/2016)